S.B.CIVIL WRIT PETITION NO.1363/2004
(Prem Chand Lunawat Vs. Rami & Ors.)

Date of order **: :** 27.04.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.Vineet Jain, for the petitioner.
Mr.S.D.Vyas, for the respondent No.1 to 4.
Mr.Manish Shishodia, for the respondent No.6.

In this case, the petitioner is challenging the interim award passed by the Motor Accident Claims Tribunal, Bikaner in claim case No.39/2000 dated 28th of January 2004. It is submitted by counsel for the parties that trial of the claim is at fag end before the tribunal, therefore, I am not inclined to interfere with the order impugned.

Learned counsel for the petitioner prays that learned trial court may be directed that at the time of final adjudication, any observations made in the order for interim award shall not come in the way of deciding the case on merit. It is obvious that at the time of final decision, the learned trial court is required to adjudicate the matter upon the evidence on record. Therefore, the apprehension of petitioner is unfounded.

In this view of the matter, at this stage, I see no reason to interfere with the order of interim award passed by the learned Tribunal when the final decision is to be given by the tribunal. However, the learned trial court is directed to decide the matter expeditiously.

With these observations and directions, this writ petition stands disposed of.

(GOPAL KRISHAN VYAS) J.

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